

IN THE HIGH COURT OF BOMBAY
O.O.C.J.
NOTICE OF MOTION NO.2365 OF 2005
IN
SUIT NO. 2196 OF 2005

Medley Pharmaceuticals P.Ltd Plffs.
vs.
Cadila Healthcare Ltd Defends.

Dr. V.V.Tulzapurkar, Mr. Ashish Kamat, Mr. Bharat Shah
i/b. Bharat Shah and Co.
for the plaintiffs.

Mr. Janak Dwarkadas a/w. Rahul Chitnis i/b. Deven Dwarkadas and Parnter
for the defendants.

CORAM: S.U. KAMDAR, J.
DATE: 23rd September, 2005.

P.C. :

1. Learned counsel for the defendant makes a statement that they will always use their mark `A²

' and/or A^2f ' alongwith word mark 'A square' and 'A square F'. They will use both numerical and word mark always in association with each other. The word mark will be used in the same size, same colour and of same font as that of the mark containing numerical number. He also undertakes to make necessary amendment to the application pending for registration of his mark. Learned Cousnel appearing for the defendants undertakes to file affidavit within two weeks from today giving details of the goods which are manufactured and are to be placed in the market for sale with the existing mark and without modificationm as per this order and the said affidavit will give details of the last batch number along with date of manufacture of the said goods

by them. The said goods put by them on affidavit are permitted to be disposed off in the market by the defendant with the existing mark without any modification as directed hereinabove. In that view of the matter learned counsel for the plaintiffs does not press for any other reliefs . Motion disposed off accordingly. No order as to costs.

SD/-
